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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:**

B-220680

**DATE:** October 25, 1985

**MATTER OF:**

Flight Resources Inc.

**DIGEST:**

If an initial protest to the agency is not filed within the time limits prescribed in the GAO Bid Protest Regulations, a subsequent protest to GAO will be dismissed as untimely and not considered on its merits.

Flight Resources Inc. protests the failure of the Federal Aviation Administration, Department of Transportation to extend the proposal due date after issuing an allegedly substantive amendment to request for technical proposals (RFTP) No. DTFA15-85-R-10011. Flight Resources contends that under the agency's regulations, the issuance of such an amendment requires that the offerors be given the same amount of time to respond as the solicitation allowed for the submission of initial proposals. Flight Resources' initial protest to the agency was dismissed.

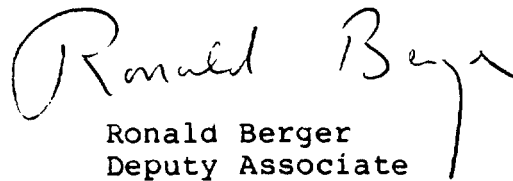
The solicitation was the first step of a two-step procurement for the establishment and operation of a general aviation service facility at the Washington National Airport. The initial proposal due date set forth in the solicitation was August 9, 1985. Amendment No. 1 extended the proposal due date to September 5. Amendments 2, 3 and 4 were subsequently issued but the September 5 proposal due date remained unchanged. By letter received by the agency on September 16, 11 days after the due date, Flight Resources stated that because amendment No. 4 made substantive changes to the solicitation, the regulations required that the offerors be given until September 20 to submit their proposals. The letter also stated that if this was unacceptable to the agency, the letter should be considered a protest. Flight Resources submitted a proposal on September 20. The proposal was returned unopened on October 10.

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The General Accounting Office Bid Protest Regulations, 4 C.F.R. § 21.2(a) (1985), provide that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for the receipt of initial proposals, whether contained in the initial solicitation or subsequently incorporated into the solicitation by amendment, shall be filed prior to the initial closing date. A protest filed initially with the contracting agency must comply with the time limits prescribed in our regulations if it is to be subsequently considered by us. 4 C.F.R. § 21.2(a)(3).

Thus Flight Resources should have protested to the agency or this Office with respect to any deficiencies it perceived in amendment No. 4 by September 5, 1985, the initial closing date. This would include not only the agency's failure to extend the due date but also the protester's substantive objections to the contents of the amendment. As it did not make a timely protest to the agency, its protest to our Office, even though received within 10 days of the agency's denial, will not be considered on the merits.

The protest is dismissed.



Ronald Berger  
Deputy Associate  
General Counsel